

AN ORDINANCE

BY:



02-0-2091

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY THE DECLARATION OF TAKING METHOD TO OBTAIN FEE SIMPLE TITLE TO THE REAL PROPERTY GENERALLY KNOWN AS 5074 SOUTHRIDGE PARKWAY, COLLEGE PARK, GEORGIA 30337, FOR PUBLIC USE IN CONNECTION WITH THE PROPOSED FIFTH RUNWAY PROJECT AT THE WILLIAM B. HARTSFIELD ATLANTA INTERNATIONAL AIRPORT, WITH THE COSTS THEREOF TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H26 571001 R21E052096AA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (hereinafter "City"), as owner and operator of the William B. Hartsfield Atlanta International Airport, has undertaken the construction of an additional runway, referred to as the Fifth Runway Project, in an area located south of the Airport in the City of College Park and in unincorporated Clayton County; and

WHEREAS, it was and continues to be necessary for the City to acquire property located in Clayton County to accommodate the Fifth Runway Project; and

WHEREAS, in Section 2.1 of the March 16, 2000 Intergovernmental Agreement between Clayton County and the City of Atlanta, Clayton County has given its consent to the City to acquire by condemnation properties within its jurisdiction for the Fifth Runway Project; and

WHEREAS, the City has been acquiring real property for the Fifth Runway Project from willing property owners through negotiation, pursuant to Resolution No. 01-R-0185, adopted by the Council on February 19, 2001, and approved by the Mayor on February 24, 2001;

WHEREAS, the City has been acquiring real property for the Fifth Runway Project from unwilling sellers through condemnation pursuant to Ordinance No. 01-O-1867, adopted by the Council on December 3, 2001, and approved by the Mayor on December 11, 2001;

WHEREAS, the property generally known as 5074 Southridge Parkway, College Park, Georgia 30337 (hereinafter referred to as the "Property") is a property required for the Fifth Runway Project which the City has been unable to acquire through negotiation with the Owner(s); and

WHEREAS, pursuant to City of Atlanta Ordinance 01-O-1867, the City Attorney, through her designee, filed an action to condemn the Property under the declaration of taking method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, in the action styled *City of Atlanta v. Yusen Air & Sea Service Holdings, Inc., et al.*, in the Superior Court of Clayton County, Civil Action No. 2002-CV-2423-8 (hereinafter referred to as "Condemnation Action"); and

WHEREAS, certain condemnees in that Condemnation Action filed a Petition to Set Aside, Vacate and Annul the Declaration of Taking of the Property, said Declaration having been filed on July 1, 2002; and

WHEREAS, an Order was entered on November 7, 2002 in the Condemnation Action granting the Petition to Set Aside, Vacate and Annul the Declaration of Taking for the Property; and

WHEREAS, time is of the essence for the acquisition of the Property; and

WHEREAS, in order to ensure acquisition of the Property as quickly as possible, it is necessary to file a new Condemnation Action regarding the Property; and

WHEREAS, it is necessary, pursuant to Section 2-1541(b)(3) of the Atlanta City Code, to authorize the City Attorney to take appropriate legal action to obtain fee simple title to such property, as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. That the public necessity for immediately acquiring the property generally known as 5074 Southridge Parkway, College Park, Georgia 30337 (hereinafter referred to as the "Property"), and being more particularly described in Exhibit A hereto which is hereby incorporated and made a part hereof by reference, for the Fifth Runway Project, to serve the above stated purposes, is hereby declared; and, further, a finding is hereby made that the circumstances are such that it is necessary to proceed with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, and use of that method is hereby authorized for acquisition of the Property.

Section 2. That the City Attorney be and hereby is authorized and the City Attorney or her designee be and hereby is directed in this instance and with respect to the Property to institute condemnation proceedings in the name of the City of Atlanta for the condemnation of said Property and of every interest therein, for the public uses above set forth, as provided by the Constitution of the State of Georgia, and to use the declaration of taking method as provided in the above referenced laws; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the Aviation General Manager or his designee, with the advice and coordination of the City Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or agreements in an effort to resolve and/or settle the condemnation case.

Section 3. That the Mayor of the City of Atlanta is hereby authorized and directed to sign, for the City of Atlanta, the Declaration of Taking prepared in connection with the condemnation of the Property.

Section 4. That the cost incurred by the City in connection with the foregoing shall be paid from Fund Account Center No. 2H26 571001 R21E052096AA.

Section 5. That the Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefore from the Aviation General Manager or the City Attorney and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

LEGAL DESCRIPTION
Parcel No. 415RE

All that tract or parcel of land containing 6.300 acres and lying and being in Land Lot 56 of the 13th District of Clayton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at an iron pin set at the intersection of the Southerly right-of-way of Sullivan Road (80 foot right-of-way) and the Easterly right-of-way of Southridge Parkway (right-of-way varies); thence along the Easterly right-of-way of Southridge Parkway South 61° 04' 21" West a distance of 145.60 feet (said call being shown on the attached plat as being South 62° 22' 07" West a distance of 145.61 feet) to an iron pin; thence continuing along said right-of-way South 16° 04' 20" West (said call being shown on the attached plat as being South 17° 13' 43" West) a distance of 159.02 feet to an iron pin; thence continuing along said right-of-way South 23° 26' 20" West (said call being shown on the attached plat as being South 24° 42' 41" West) a distance of 100.95 feet to an iron pin; thence continuing along said right-of-way along a curve to the right having a radius of 448.00 feet an arc distance of 199.64 feet to a point (said arc being subtended by a chord of South 32° 33' 33" West a distance of 198.00 feet) (said call being shown on the attached plat as being a curve having an arc distance of 199.60 feet, a radius of 448.00 feet, a chord distance of 197.95 feet and a chord bearing of South 33° 58' 47" West), said point being the TRUE POINT OF BEGINNING.

THENCE FROM THE TRUE POINT OF BEGINNING as thus established and leaving said right-of-way South 45° 56' 43" East a distance of 224.78 feet (said call being shown on the attached plat as being South 44° 40' 31" East a distance of 224.83 feet) to a point; thence South 03° 54' 57" East a distance of 418.40 feet (said call being shown on the attached plat as being South 02° 35' 59" East a distance of 418.08 feet) to a point; thence South 88° 47' 02" West a distance of 359.38 feet (said call being shown on the attached plat as being South 89° 59' 17" West a distance of 359.06 feet) to a 1-3/4" hollow top pipe found; thence South 00° 49' 20" East (said call being shown on the attached plat as being South 00° 22' 55" West) a distance of 64.18 feet to a point; thence North 43° 13' 16" West (said call being shown on the attached plat as being North 42° 01' 01" West) a distance of 139.31 feet to a point; thence North 08° 21' 10" West (said call being shown on the attached plat as being North 07° 08' 55" West) a distance of 55.98 feet to a point; thence North 53° 53' 00" West (said call being shown on the attached plat as being North 52° 40' 45" West) a distance of 23.49 feet to a point; thence North 79° 46' 47" West (said call being shown on the attached plat as being North 78° 34' 32" West) a distance of 58.53 feet to a point; thence North 64° 39' 34" West (said call being shown on the attached plat as being North 63° 27' 19" West) a distance of 113.23 feet to a point; thence North 44° 23' 19" West (said call being shown on the attached plat as being North 43° 11' 04" West) a distance of 58.13 feet to a point; thence North 76° 58' 23" West (said call being shown on the attached

Exhibit A

plat as being North 75° 46' 08" West) a distance of 57.22 feet to an iron pin set on the Easterly right-of-way of said Southridge Parkway; thence along said right-of-way along a curve to the right having a radius of 335.00 feet an arc distance of 8.74 feet to a point (said arc being subtended by a chord of North 28° 58' 15" East a distance of 8.74 feet) (said call being shown on the attached plat as being a straight line with a bearing of North 30° 10' 30" East and a distance of 8.74 feet); thence continuing along said right-of-way along a curve to the right having a radius of 335.00 feet an arc distance of 210.30 feet to an iron pin set (said arc being subtended by a chord of North 47° 01' 28" East a distance of 206.86 feet) (said call being shown on the attached plat as being a curve having an arc distance of 206.86 feet, a radius of 335.00 feet, a chord distance of 206.86 feet and a chord bearing of North 48° 13' 43" East); thence continuing along said right-of-way North 64° 45' 05" East (said call being shown on the attached plat as being North 65° 57' 20" East) a distance of 292.86 feet to an iron pin set; thence continuing along said right-of-way along a curve to the left having a radius of 448.00 feet an arc distance of 154.95 feet to a point (said arc being subtended by a chord of North 55° 14' 02" East a distance of 154.18 feet) (said call being shown on the attached plat as being a curve having an arc distance of 155.47 feet, a radius of 448.00 feet, a chord distance of 154.69 feet and a chord bearing of North 56° 35' 42" East), said point being the true point of beginning.

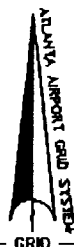
The above described property is shown on, and described according to, that certain Alta Land Survey for Yusen Air & Sea Service (U.S.A.), Incorporated and Commonwealth Land Title Insurance Company by Pinion & McGaughey Land Surveyors, Inc. (George H. Pinion, Georgia R.L.S. No. 1606), dated March 26, 1998 and last revised May 22, 1998 (Job No. 97060), which certain survey is incorporated herein by this reference and made a part hereof.

Said parcel also being shown as comprising 6.302 acres according to that certain Survey for City of Atlanta dated April 12, 2002, prepared by Patterson & Dewar Engineers, Inc., with the seal of George E. Ingram, Ga. R.L.S. 1980.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 68,565 FEET, AN ANGULAR ERROR OF 01 SECONDS PER ANGLE, AND WAS ADJUSTED USING THE METHOD OF LEAST SQUARES.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 1,068,277 FEET.

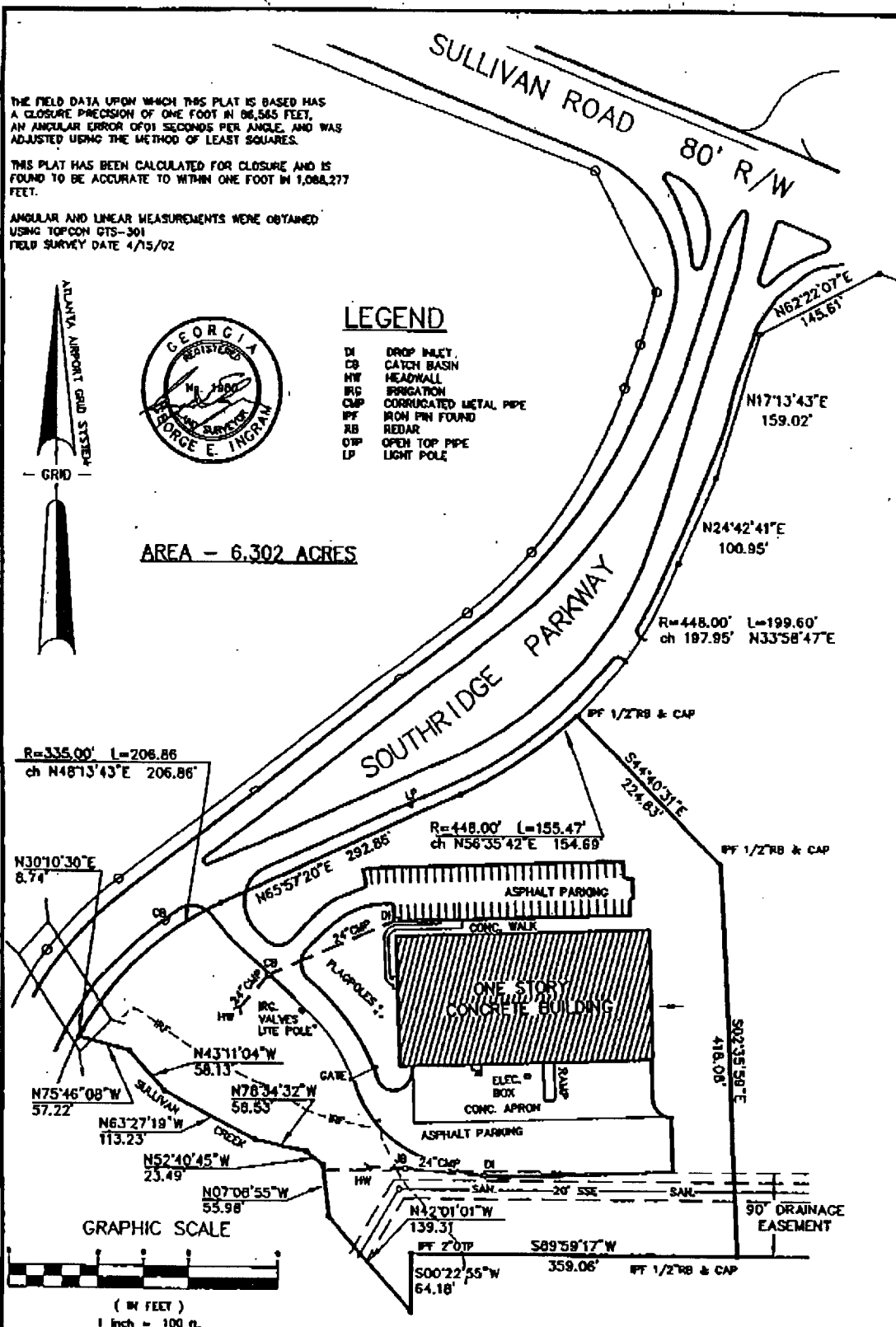
ANGULAR AND LINEAR MEASUREMENTS WERE OBTAINED USING TOPCON GTS-301
FIELD SURVEY DATE 4/15/02



LEGEND

DI DROP INLET
CB CATCH BASIN
HW HEADWALL
IRC IRRIGATION
CMP CORRUGATED METAL PIPE
IPF IRON PIN FOUND
RB REDBAR
OTF OPEN TOP PIPE
LP LIGHT POLE

AREA - 6.302 ACRES



SHEET

1 of 1

DRAWING NO.

ATL-116



**PATTERSON & DEWAR
ENGINEERS, INC.**

2685 MILSCOTT DRIVE
DECATUR, GA 30031
phone 404-298-5990

ENGINEERS-SURVEYORS-PLANNERS

DATE 04-12-02

FIELD BY IN FILE

DRAWN BY JHT

SCALE 1"=100'

SURVEY FOR

CITY OF ATLANTA

HARTSFIELD-ATLANTA INTERNATIONAL AIRPORT

LAND LOT 56 - 13TH DISTRICT - CLAYTON CO. - GEORGIA

CONDEMNATION PLAT

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

FILED
CLAYTON CO., GA

2002 NOV -7 PM 2:40

LINDA T. MILLER
CLERK SUPERIOR COURT

CITY OF ATLANTA,

Petitioner/Condemnor,

v.

YUSEN AIR & SEA SERVICE
HOLDINGS, INC.; THE PEOPLES
BANK; TRUST COMPANY BANK as
Executor U/W Ruth Stallworth Harris;
WELLS FARGO REALTY ADVISORS
FUNDING, INC.; SOUTHRIDGE
BUSINESS CENTER PROPERTY
OWNERS ASSOCIATION, INC.;
SOUTHRIDGE ASSOCIATES JOIN
VENTURE; YUSEN AIR & SEA
SERVICE (U.S.A.), INC.; PRUITT
CARTAGE, INC.; STATE OF GEORGIA;
CLAYTON COUNTY; and any and all
persons claiming an interest in the property
located at 5074 Southridge Parkway,
College Park, Georgia 30337,

Respondents/Condemnees.

CIVIL ACTION NO.
2002-CV-2423-8

ORDER

The above-styled matter comes before this court through Respondents/Condemnees' (hereinafter "Condemnee") Petition to Set Aside, Vacate, and Annul the Declaration of Taking. A hearing was held on October 7, 2002. Petitioner/Condemner (hereinafter "Condemnor") was represented by Jason Wright. Condemnee was represented by Kirby A Glaze. After reviewing the record and hearing argument, the court finds as follows:

FACTS

On July 1, 2002, Condemnor filed a Declaration of Taking with Clayton County Superior Court. The taking was conducted pursuant to Clayton County Resolution '99-126 and the City of Atlanta Ordinance 99-O-1934 (hereinafter "Ordinance") which allowed the City of Atlanta to acquire by condemnation, private properties within unincorporated portions of Clayton County for the William B. Hartsfield Atlanta International Airport Fifth Runway Project. The property at issue in the above-styled action is included in the area condemned for the runway project. On August 15, 2002, Condemnee filed a Petition to Set Aside, Vacate, and Annul the Declaration of Taking.

DISCUSSION

The condemnees have attacked the Declaration of Taking on many grounds. However, as the court is deciding this case on the grounds of improper delegation authority, it is not going to discuss the other issues raised by condemnees.

Delegation to City Attorney

The Ordinance allows for condemnation by the declaration of taking method but further states that the special master method of condemnation may be used in the alternative. The decision as to which method of condemnation is to be used is left to the discretion of the city attorney without any time limitation on the taking. Condemnee argues that this provision of the ordinance grants an improper delegation of power to the city attorney. The court agrees. The city attorney is making a decision which under Georgia law has been reserved for the legislative body. The legislative body in this case is the proper municipal authority.

The "taking of private property for the benefit of the public is an exercise of high

power, and all the conditions and limitations provided by law must be closely followed. Too much caution cannot be observed to prevent oppression and abuse." Sims v. City of Toccoa, 256 Ga. 368 (1986). The declaration of taking method allows the taking of private property before an evidentiary hearing has been held to fix the amount of just and adequate compensation. In exercising this power, the condemning authority should be even more careful to follow all the conditions and limitations of Georgia law.

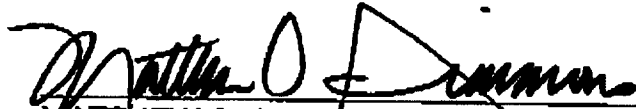
O.C.G.A. § 32-3-6(b)(6) requires a finding by the municipal authority that the "circumstances are such that it is necessary to proceed in this particular case" by a declaration of taking. Though the ordinance was approved by the municipal authority, it allows for either the declaration of taking method to be used or special master method. With this second method, the condemnee would be granted an evidentiary hearing. Leaving this decision to the city attorney takes the power out of the hands of the municipal authority, or the legislative body, and places it into the hands of the city attorney. This delegation of power clearly violates the statute which requires a finding be made by the proper municipal authority that a declaration of taking is necessary as opposed to any other method of condemnation.

Further, the ordinance places no limitations on this power. The ordinance at issue was passed on the December 3, 2001, and signed by the mayor on December 11, 2001. However, it was not until seven (7) months later that the declaration of taking was executed. This would seem to contradict the argument that there was an actual necessity for quick acquisition of the property at issue. The broad language of the ordinance would allow the city attorney to use the declaration of taking method two weeks or two years from the date the property was condemned. As such, the court finds

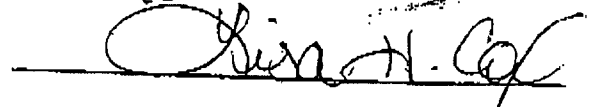
that this is an improper delegation of power to the city attorney and justifies the setting aside of the declaration of taking.

Condemnees' Petition to Set Aside, Vacate, and Annul the Declaration of Taking is hereby GRANTED.

SO ORDERED, this 7 day of November, 2002.


MATTHEW O. SIMMONS, JUDGE
SUPERIOR COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT

I CERTIFY THAT COPIES OF THE ^{DO CX}
ABOVE AND FOREGOING ORDER IN (# ~~0409~~ ⁰⁴⁰⁹⁻⁸)
WERE MAILED ON 11-7-02 IN A PROPERLY
ADDRESSED ENVELOPE IN U.S. MAIL WITH
SUFFICIENT POSTAGE AFFIXED OR BY HAND
TO ^{S. Wright} DELIVERY.
^{K. Glaze}



CITY OF ATLANTA



OFFICE OF MUNICIPAL CLERK

STATE OF GEORGIA



COUNTY OF FULTON

CITY OF ATLANTA

I, **Rhonda Dauphin Johnson**, do hereby certify that I am the duly appointed **Municipal Clerk** of the City of Atlanta, Georgia, and as such am in charge of keeping the Minutes of the City Council of the said City of Atlanta. I further certify that the attached is a true and correct copy of an Ordinance (01-O-1867):

An Ordinance by the Transportation Committee authorizing the City Attorney to institute necessary legal action through condemnation or any other method provided by law to obtain fee simple title to the real property within the area of the proposed Fifth Runway Project South of Hartsfield Atlanta International Airport in the City of College Park and in Unincorporated Clayton County, with the costs thereof not to exceed \$149,000,000.00 to be charged to and paid from Fund Account Center No. 2H26 571001 R21E052096AA; repealing conflicting ordinances; and for other purposes.

ADOPTED by the Council December 03, 2001

APPROVED by the Mayor December 11, 2001

all as the same appears from the original which is of record and on file in my said office

GIVEN under my hand and seal of office this 17th day of December, 2001.


Municipal Clerk



CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

BY TRANSPORTATION COMMITTEE

01-0-1867

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION OR ANY OTHER METHOD PROVIDED BY LAW TO OBTAIN FEE SIMPLE TITLE TO THE REAL PROPERTY WITHIN THE AREA OF THE PROPOSED FIFTH RUNWAY PROJECT SOUTH OF HARTSFIELD ATLANTA INTERNATIONAL AIRPORT IN THE CITY OF COLLEGE PARK AND IN UNINCORPORATED CLAYTON COUNTY, WITH THE COSTS THEREOF NOT TO EXCEED \$149,000,000.00 TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H26 571001 R21E052096AA; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta, as owner and operator of The William B. Hartsfield Atlanta International Airport, has undertaken the construction of an additional runway, referred to as the Fifth Runway Project, in an area located south of the Airport in the City of College Park and in unincorporated Clayton County; and

WHEREAS, the City has undertaken the acquisition of the real property for the Fifth Runway Project and the relocation of the residents and businesses situated on such property under a Land Acquisition/Relocation Program pursuant to Resolution No. 01-R-0185, adopted by the Council on February 19, 2001, and approved by the Mayor on February 24, 2001, and funded with revenues generated from the imposition of a Passenger Facility Charge (PFC Funds) and allocated for such purpose, which authorized purchase of same from willing sellers; and

WHEREAS, it will be necessary to institute condemnation proceedings in Clayton County under the State law of eminent domain to acquire all of the property required for the Fifth Runway Project from owners unwilling to sell their property through negotiation; and

WHEREAS, in Section 2.1 of the March 16, 2000 Intergovernmental Agreement between Clayton County and the City of Atlanta, Clayton County has given its consent to the City to acquire by condemnation properties within its jurisdiction for the expansion of the Fifth Runway Project from 6,000 feet to 9,000 feet; and

WHEREAS, it is necessary, pursuant to Section 2-1541(b)(3) of the Atlanta City Code, to authorize the City Attorney to take appropriate legal action to obtain fee simple title to such property, as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. That the public necessity for immediately acquiring all of the property within the limits of the established boundaries of said Fifth Runway Project to serve the above stated purposes is hereby declared; and, further, a finding is hereby made that the circumstances are such that it is necessary to proceed with condemnation proceedings by use of declarations of taking as a method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, and use of that method is hereby authorized for acquisition of properties within the area shown on the drawing attached hereto as Exhibit A and made a part hereof by reference.



Section 2. That the City Attorney be and hereby is authorized and the City Attorney or her designee be and hereby is directed in each instance and with respect to each parcel of real property located within the project boundaries to institute condemnation proceedings in the name of the City of Atlanta for the quick and effective condemnation of said properties and of every interest therein, for the public uses above set forth, as provided by the Constitution of the State of Georgia and to use the Declaration of Taking method as provided in the above referenced laws or in the alternative the Special Master method of taking as provided in the Georgia Code, O.C.G.A. § 22-2-100, *et seq.*; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the Aviation General Manager or his designee, with the advice and coordination of the City Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or agreements in an effort to resolve and/or settle the condemnation cases.

Section 3. That the cost incurred by the City in connection with the foregoing shall not exceed \$149,000,000.00 and shall be paid from Fund Account Center No. 2H26 571001 R21E052096AA.

Section 4. That the Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefor from the Aviation General Manager or the City Attorney and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

Section 5. That the City Attorney be and hereby is authorized to engage the services of outside attorneys and expert witnesses to assist with the condemnation and/or closing of said properties.

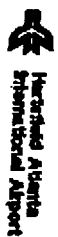
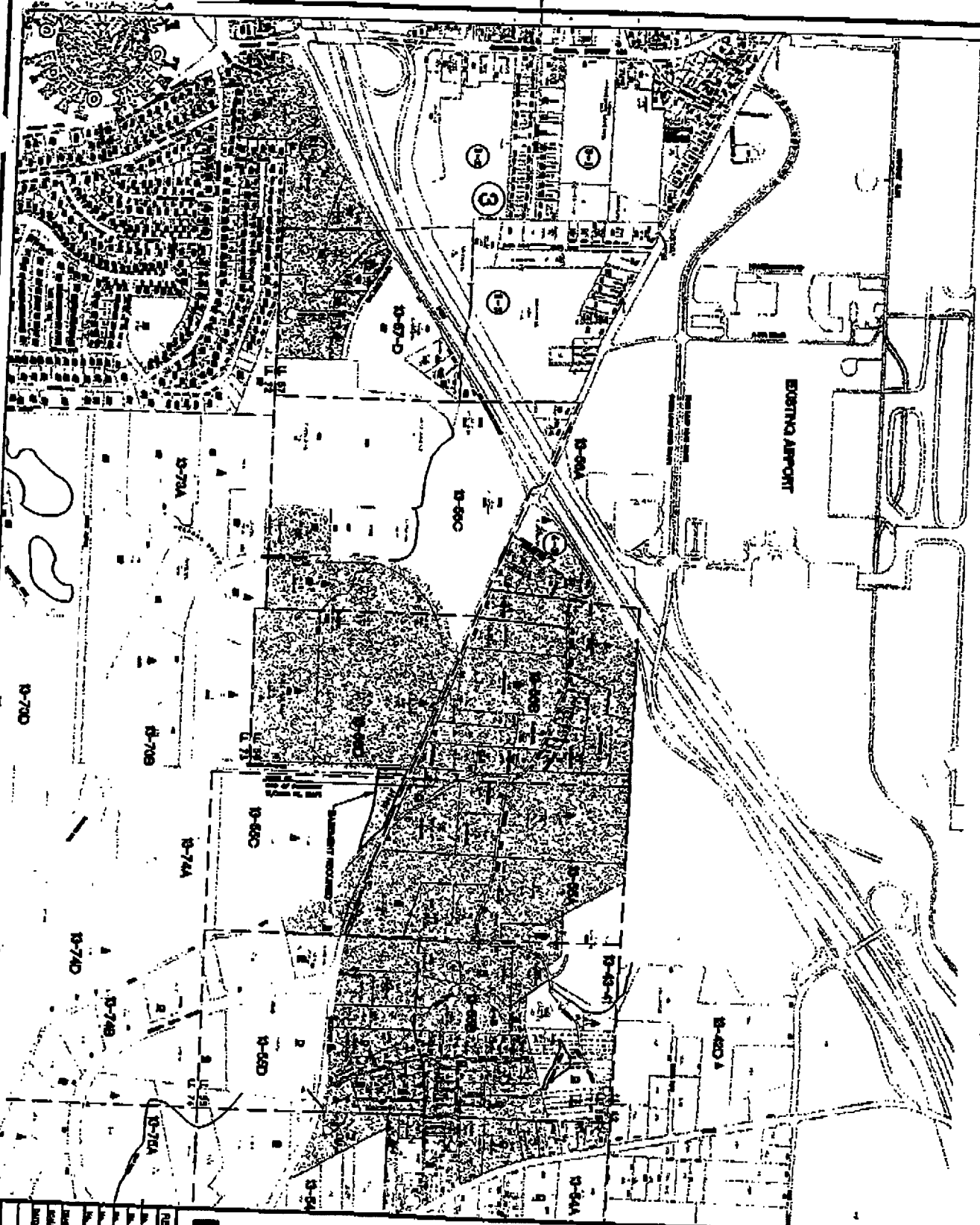
Section 6. That all ordinances or parts of ordinances in conflict herewith be and hereby are repealed.

A true copy,


Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

DEC 03, 2001
DEC 11, 2001



8TH RUNWAY
LAND ACQUISITION

LEGEND

EXHIBIT A

REVISIONS

DATE TO: 11/15/02
BY: JMK
AND: LHM

Prepared by: [Signature]

Allen Jennifer M Tebrick

STAR PROVISIONS

A COOK'S MARKETPLACE • ESTABLISHED 1981 • ATLANTA, GEORGIA

HOLIDAY BAKERY OFFERINGS

NOVEMBER & DECEMBER 2002
(AVAILABLE FOR SPECIAL ORDERS)
CALL AMY 404 365-0410 EXT. 134

SWEET POTATO TART

CHOCOLATE CARAMEL PECAN TART

APPLE-ALMOND TART

HAZELNUT PEAR BROWN BUTTER TART

ANISE CHEESECAKE WITH CRANBERRY COMPOTE

PUMPKIN-CARDAMOM BREAD PUDDING - INDIVIDUAL

YULE LOG - 10" AVAILABLE AFTER DEC. 10TH

VALRHONA CHOCOLATE CAKE - INDIVIDUAL

GINGERBREAD WITH LEMON GLAZE

PINEAPPLE UPSIDE-DOWN CAKE

PECAN PRALINE POUND CAKE

LAVENDER POUND CAKE

LEMON POUND CAKE

COOKIES : PEPPERMINT PINWHEELS, COCONUT MACAROONS
PFEFFERNUSSEN, SHORTBREAD LEAVES, GINGER CEDAR ROLLS, MOCHA
SHORTBREAD, CHOCOLATE SNOW,
ORANGE CRANBERRY & GINGERBREAD PEOPLE

ASSORTED HOLIDAY CUPCAKES